

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 1472 of 1999

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Dated 20th November 2007

Between:

V.Kishan Rao

... Petitioner

and

The District Collector, Adilabad District
& another

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 1472 OF 1999

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ORDER:

The petitioner was employed as Village Administrative Officer of Mudhole of Adilabad District. Disciplinary proceedings were initiated against him, and ultimately, he was dismissed from the service, by orders dated 15.8.1999, passed by the Joint Collector, Adilabad. Thereafter, the 2nd respondent issued a distraint order, dated 23.10.1998, for recovery of a sum of Rs.23,374/-, said to have been misappropriated by the petitioner, while in service. The same is challenged in this writ petition. It is urged that the distraint order was not preceded by a notice of demand.

Heard learned counsel for the petitioner and learned Government for Revenue.

The A.P. Revenue Recovery Act prescribes a detailed procedure to be followed, whenever recovery of amount is to be effected. The first step in the process is to issue a notice to the debtor. In such event, the recipient of the notice would be in a position, either to comply with the demand, or to point out his version of the matter. It is only after such a demand that the necessity to issue distraint warrant, would arise. The allegation of the petitioner that the distraint order passed against him, was not preceded by a notice, remains un-rebutted. This Court is of the view that ends of justice would be met, if the distraint order is treated as a demand notice, and the petitioner is given an opportunity to submit his explanation or representation.

For the foregoing reasons, the writ petition is disposed of, directing that the impugned distraint order shall be treated as show-cause notice. It shall be open to the petitioner to submit his explanation/representation, within a period of 15 days from today. On receipt of the same, the 2nd respondent shall pass appropriate orders, in accordance with law, and proceed further in the matter. There shall be no order as to costs.

20th November

2007

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